

OFFICIAL

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: VERMONT

REQUIREMENTS FOR ADVANCE DIRECTIVES UNDER STATE PLANS  
FOR MEDICAL ASSISTANCE

The following is a written description of the law of the State (whether statutory or as recognized by the courts of the State) concerning advance directives. If applicable, States should include definitions of living will, durable power of attorney for health care, durable power of attorney, witness requirements, special State limitations on living will declarations, proxy designation, process information and State forms, and identify whether State law allows for a health care provider or agent of the provider to object to the implementation of advance directives on the basis of conscience.

Vermont law provides for two kinds of advance directives: the Terminal Care Document or Living Will (18 VSA, Chapter 111, 1982), and the Durable Power of Attorney for Health Care (14 VSA, Chapter 121, 1988).

The Terminal Care Document applies only when the individual is terminally ill and has no hope of recovery. It says that the person does not want his/her life prolonged by extraordinary measures.

The Durable Power of Attorney for Health Care (DPA/HC) allows the patient to spell out the kind of care and/or treatment he/she wants, and to appoint an "agent" to see that these wishes are carried out. The DPA/HC is applicable to all kinds of medical situations in which the individual is incapable of making decisions for him/herself.

Both types of advance directives must be witnessed by two individuals, neither of which can be a spouse, heir, medical provider, or the agent in the case of the DPA/HC. Also, both types of advance directives require that if the attending physician cannot or will not honor the instructions given in the document, he/she must help find a provider who will.

The Vermont Ethics Network, under the direction of the Health Policy Council, has developed a brochure describing this State law, as well as both Terminal Care Documents and Durable Power of Attorney for Health Care forms which are available to medical providers and the general public in Vermont for use in completing advance directives.

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